

# EXHIBIT A



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September 10, 2013

***FOR SETTLEMENT PURPOSES ONLY***

**VIA E-MAIL & U.S. FIRST CLASS MAIL**

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**Re: Milbourne v. JRK Residential America, LLC  
3:12 cv 861 (E.D. VA)**

Dear Counsel:

Pursuant to Federal Rule of Civil Procedure 68, we enclose an Offer of Judgment from Defendant JRK Residential America, LLC in the above-referenced matter. This Offer of Judgment includes: (1) the aggregate amount of \$12,000 inclusive of all damages, plus (2) such prejudgment interest, reasonable attorneys' fees, costs and expenses to which Plaintiff is entitled by law, as the Court may determine.

This Offer provides Plaintiff with an amount that exceeds what he could recover in this case, assuming that he prevailed at trial, and is based on assumptions in Plaintiff's favor, which Defendant has made solely for purposes of this Offer, which would not be available to Plaintiff if this matter continues in litigation. Our methodology includes:

- Assuming all facts alleged by Plaintiff with respect to both claims alleged would be decided in Plaintiff's favor.
- Assuming Plaintiff would prevail on all legal contentious asserted.

Leonard A. Bennett, Esq.  
Susan M. Rotkis, Esq.  
Thomas R. Breeden, Esq.  
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- Giving Plaintiff credit for full statutory damages of \$1,000 for each of the two claims asserted, pursuant to the Fair Credit Reporting Act, in a total amount of \$2,000.
- Giving Plaintiff credit for punitive damages at a ratio of 5:1 (statutory damages) which exceeds the *BMW* standards and which further assumes that Plaintiff would prevail on his assertion that he is entitled to punitive damages, under the Fair Credit Reporting Act. The credit is in the amount of \$5,000 for each claim asserted or \$10,000 in total.

In sum, Defendant offers Plaintiff the total of \$12,000 plus prejudgment interest, attorneys' fees, costs and expenses as determined by the Court. Please note that in accordance with Rule 68, if Plaintiff does not accept this Offer but obtains a final judgment in this matter that is less favorable than the Offer, Defendant will seek to recover all available costs incurred after it made the offer.

This offer will remain open until September 24, 2013.

On behalf of Defendant, therefore, we urge Plaintiff to accept this Offer of Judgment.

Sincerely,

  
\_\_\_\_\_  
David G. Barger  
Michael R. Sklaire

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

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DERRICK A. MILBOURNE,	)	
	)	
Plaintiff,	)	
v.	)	3:12 cv 861
	)	
JRK RESIDENTIAL AMERICA, LLC,	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT'S OFFER OF JUDGMENT**

**TO: DERRICK A. MILBOURNE**

PLEASE TAKE NOTICE that Defendant JRK Residential America, LLC hereby offers to allow entry of judgment against it under Rule 68 of the Federal Rules of Civil Procedure as follows:

Judgment in favor of the named Plaintiff against Defendant on Plaintiff's Class Complaint and all claims alleged therein in the total sum of Twelve Thousand Dollars (\$12,000) exclusive of any prejudgment interest, attorneys' fees, and costs, accrued to date.

The above-referenced amounts, together with any amount the Court may award to Plaintiffs in prejudgment interest and attorneys' fees and costs represents the total amount Defendant shall be obligated to pay on account of any liability claimed by said Plaintiff.

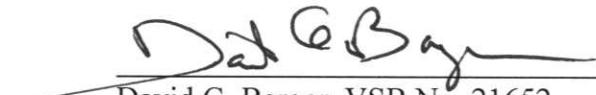
This Offer of Judgment is made for the purposes specified in Rule 68 and is not to be construed as an admission that Defendant is liable in this action or that Plaintiff has suffered any damage. If Plaintiff fails to obtain a more favorable judgment against Defendant, pursuant to Rule 68(d), Defendant will ask the Court to deny Plaintiff any post-offer costs, including

attorneys' fees, and to award Defendant its post-offer costs, including but not limited to, its attorneys' fees, a sum to cover costs of the services of experts in preparation for trial, costs incurred during trial, and such other costs and fees as the Court deems proper, in addition to any other rights and remedies available under the law.

This Offer will remain open for a period of fourteen (14) days per Rule 68, unless otherwise extended or withdrawn by Defendant. Evidence of this Offer is not admissible except in a proceeding to determine costs and/or fees.

Date: September 10, 2013

Respectfully submitted,

  
\_\_\_\_\_  
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*Attorneys for Defendant JRK Residential America, LLC*

**CERTIFICATE OF SERVICE**

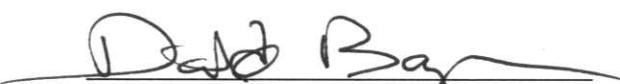
I hereby certify that a true copy of the foregoing was emailed and mailed, first class U.S. postage prepaid, on this 10<sup>th</sup> day of September, 2013 to:

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